

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALBERT B. ZUNIGA, *et al.*,

Plaintiffs,

V.

KING COUNTY, *et al.*,

Defendants.

Cause No. C21-1030RSL

**ORDER REGARDING *IN
FORMA PAUPERIS* STATUS
ON APPEAL**

This matter comes before the Court on referral from the Ninth Circuit for a determination under 28 U.S.C. § 1915(a)(3) whether *in forma pauperis* status should continue on appeal. Section 1915(a)(3) states that “[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” The good faith standard is an objective one, and good faith is demonstrated by when an individual “seeks appellate review of any issue not frivolous.” *See Coppedge v. U.S.*, 369 U.S. 438, 445 (1962). For purposes of 28 U.S.C. § 1915, an appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

The Court is of the opinion that plaintiff's appeal is frivolous. He has not alleged sufficient facts from which one could plausibly infer that he has a viable cause of action against any of the named defendants. Thus, the Court certifies that the appeal is taken in bad faith and

1 revokes plaintiff's *in forma pauperis* status. Plaintiff may, however, seek further authorization
2 from the Court of Appeals pursuant to Rule 24(a)(5) to obtain leave to proceed *in forma*
3 *pauperis* on appeal.
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6 Dated this 10th day of January, 2022.

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Robert S. Lasnik

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10 Robert S. Lasnik
11 United States District Judge
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